

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JEFFREY WONSER,

Plaintiff,

v.

CHARLES L. NORMAN, et al.,

Defendants.

Case No. 2:24-cv-02160-SDM-EPD

Judge Sarah D. Morrison

Magistrate Judge Elizabeth A. Preston  
Deavers

**AFFIDAVIT OF JEFFREY PAYNE**

Jeffrey Payne, being first duly sworn and warned, hereby testifies as follows:

1. I am the Chief of the Department of Public Safety, Bureau of Motor Vehicles Record Services.

2. I am over 18 years of age and am competent to make this affidavit.

3. The Ohio Bureau of Motor Vehicles ("BMV") is part of the Ohio Department of Public Safety.

4. I hereby certify that the documents attached hereto as Exhibits A, B, and C are true copies of public records kept by the Ohio Department of Public Safety and the BMV.

5. Exhibit A consists of four e-mails between the BMV and Plaintiff Jeffrey Wonser.

6. On the first page of Exhibit A, Jeffrey Wonser writes that "[o]n Wednesday March 9<sup>th</sup>, 2022, We applied for a special plate request to have 'F46 LGB' on our personal license plate."

7. The second and third pages of Exhibit A contain a March 11, 2022, 10:53 am email notice sent from the BMV to Jeffrey Wonser denying Wonser's request for that special plate.

8. The second page of Exhibit A contains a March 11, 2022, 11:13 am email sent from Jeffrey Wonser to the BMV indicating that Wonser would like to appeal the BMV's decision to deny his request for a special plate.



9. The second page of Exhibit A also contains a March 11, 2022, 11:22 am email sent from the BMV to Jeffrey Wonser informing Wonser that “[t]he appeal must be submitted within 30 days of the first letter (3/11/22)”

10. The first page of Exhibit A contains a March 12, 2022, email from Jeffrey Wonser to the BMV appealing the BMV’s denial of Wonser’s request for the special plate “F46 LGB”.

11. Exhibit B is a March 15, 2022, letter from the BMV to Jeffrey Wonser formally denying Wonser’s request for special license plate F46 LGB.

12. Exhibit B notified Jeffrey Wonser that he had the right to appeal that decision “within thirty (30) days from the date of this letter.”

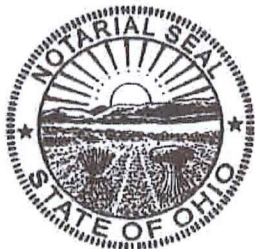
13. The only appeal received by the BMV from Jeffrey Wonser was the March 12, 2022, appeal that is contained in the first page of Exhibit A.

14. Exhibit C is a true copy of the March 24, 2022, letter from the BMV to Jeffrey Wonser denying Wonser’s March 12, 2022, appeal of the decision to deny special license plate F46 LGB.

*Further Affiant Sayeth Naught.*

  
Jeffrey Payne

Sworn to and subscribed before me this 2<sup>nd</sup> day of July, 2024.



Heather Hissom Coglianese  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

  
Notary Public

**From:** jeff wonser <mbha178@hotmail.com>  
**Sent:** Saturday, March 12, 2022 5:20 PM  
**To:** Lohr, Janet  
**Cc:** Monst, Allie; Hunter, Kevin; Collins, Ruthann; Taylor, Carrie; Berger, Brenda  
**Subject:** Re: [EXTERNAL]Re: Denial Special Plate (F46 LGB)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ohio Bureau of Motor Vehicles  
Special Plates Committee  
Re: Denial of Special Plate

To whom it may concern on the Special Plates Committee,

On Wednesday March 9th, 2022. We applied for a special plate request to have "F46 LGB" on our personal license plate. Our request was based on the reasoning that "LGB" for "Lets go Brandon" refers to Brandon Lyon's, on Team USA Paralympics. "F46" referring to the World Para Athletics classification of Upper limbs/affected by limb deficiency, impaired muscle power or impaired range of movement. (Attached Documentation, Exhibit A, Exhibit B)

On March 11th 2022, Our request was denied by the Special Plates Committee of the Ohio Bureau of Motor Vehicles. It was stated that our plate request was denied for not conforming to Guideline 1.

*Guideline 1: Are Profane(that is, swearwords or expletives), or can be interpreted as obscene, sexually explicit, or scatological (i.e., pertaining to feces or excrement). The Special Plate Committee further denied our request due to the "Potential Perception of inappropriateness".*

In ACLU vs. Ohio Bureau of Motor Vehicle's. (2001), The suit was brought on behalf of a Niles man who was denied the license plate "RDRAGE," Ohio Bureau denied his application for that license plate based on its opinion that it was "ethnic or controversial in origin or character or are judged offensive, disparaging or socially insensitive." In this case it was stated by ACLU, "The Supreme Court has held repeatedly that the State cannot give its officials unlimited discretion to censor speech," and that "By employing these vague standards, that is precisely what the BMV has done here. What message will or will not be approved is anybody's guess".

In Hart V. Thomas,(2017) Kentucky Division of Motor Vehicle officials, refused Hart's request, initially calling his "IM GOD" license plate message "obscene or vulgar." While residing in Ohio, Hart had a similar license plate with "IM GOD". Later, the state said the plate was rejected because it was "not in good taste." The lawsuit, filed on Hart's behalf by FFRF and ACLU of Kentucky, challenged the Transportation Cabinet's denial of his plate based on statutory viewpoint restrictions that communicate religious, anti-religious or political messages. The court concludes that in this case, § 186. 174(1) [the statute governing such license plates] is an unreasonable and therefore impermissible restriction on Mr. Hart's First Amendment rights." The U.S. District Court for the Eastern Court of Kentucky resoundingly ruled in favor of Hart.

We feel denial of our requested plate violates our First Amendment rights. Further, Guideline 1 is considered too vague of standards to apply. We would like to challenge the Special Plates Committee of the Ohio Bureau of Motor Vehicles denial based on guideline 1.

In this current appeal case, we have learned that Ohio has approved a significant amount of license plates with the letter F followed by another letter or digit. We have learned that the Ohio bureau of Motor vehicles have approved these license plates, "F45", "F46" "LGB", "FDT" and "FJB"

To allow such plates as almost every single "F1-"F99" with little exceptions, it is a violation of our first amendment rights to choose when F## is allowed and not allowed. Furthermore, the plate "F46" has been issued, and is currently issued. However, now we are being told that it is for that reason that we are being denied. Is there a legal justification that you can allow "f46" on one plate, but not another? . Currently Issued plates include "F45", "F46", "LGB", "FJB", and "FDT" but reject our requested plate "F46 LGB". Some other Plates that are currently issued, and thusly approved by OBMV are: "F UR KID", "F UR KIDS", "GFY" LGBTQ", "CU46" "53X" "ROFL"

The Plates F46 and LGB are issued without violating guideline 1. Therefore, why is "F46 LGB" is in violation of guideline 1 when based on currently issued plates no part of that combination is in violation by itself?

In conclusion we ask that The Special Plates Committee approves our appeal and issue us the license plate we have requested. If our appeal is denied, we would like documentation as to what year and what reason of approval is listed for the license plates "F45", "F46", "LGB", "FJB" and "FDT"? We look forward to your timely response to our appeal.

Thank you,  
Jeffrey and Ashley Wonser  
5787 Lake Drive rd, Heath, Ohio 43056



Sent from my iPhone

On Mar 11, 2022, at 11:22 AM, [jslohr@dps.ohio.gov](mailto:jslohr@dps.ohio.gov) wrote:

Good morning. When reviewing plates texting abbreviations, acronyms and slang are taken into account. The plate selected did not conform to guideline 1 as listed below. You can request a different personalization, get a full refund or appeal the decision. If you appeal, it must be in writing and state that it is an appeal. You would include the reason for wanting the plate and any supporting documentation. The appeal must be submitted within 30 days of the first letter (3/11/22) by email or USPS mail. If you would like to choose a different personalization, you may email the selection with the meaning.

If you have any questions, please reply to this email or call 614-752-7518, Monday through Friday, 8:00 am – 5:00pm.

Sincerely,

Janet L  
Customer Service Assistant 2  
Bureau of Motor Vehicles  
1970 W. Broad Street, Columbus, OH 43223  
Office (614)752-7518  
[jslohr@dps.ohio.gov](mailto:jslohr@dps.ohio.gov)

<image001.png>

**From:** jeff wonser <[mbha178@hotmail.com](mailto:mbha178@hotmail.com)>  
**Sent:** Friday, March 11, 2022 11:13 AM  
**To:** Lohr, Janet <[jslohr@dps.ohio.gov](mailto:jslohr@dps.ohio.gov)>  
**Cc:** Monst, Allie <[ammonst@dps.ohio.gov](mailto:ammonst@dps.ohio.gov)>; Hunter, Kevin <[kdhunter@dps.ohio.gov](mailto:kdhunter@dps.ohio.gov)>; Collins, Ruthann <[RNCollins@dps.ohio.gov](mailto:RNCollins@dps.ohio.gov)>; Taylor, Carrie <[cataylor@dps.ohio.gov](mailto:cataylor@dps.ohio.gov)>; Berger, Brenda <[BBerger@dps.ohio.gov](mailto:BBerger@dps.ohio.gov)>  
**Subject:** [EXTERNAL]Re: Denial Special Plate (F46 LGB)

Hello,

I would like to appeal this decision? I don't understand why this is being denied. It does not violate any of the rules.

~Jeff Wonser

Sent from my iPhone

On Mar 11, 2022, at 10:53 AM, [jslohr@dps.ohio.gov](mailto:jslohr@dps.ohio.gov) wrote:

Dear Jeffrey Wonser:

This is in reference to your internet special plate transaction. The Special Plate Committee reviewed your request and it was denied due to the potential perception of inappropriateness. Therefore, we are unable to process your order.

The BMV rejects any special license plate that contains words, combinations, and/or phrases (in any language, whether frontwards or backwards) that:

1. Are profane (that is, swearwords or expletives), or can be interpreted as obscene, sexually explicit, or scatological (i.e., pertaining to feces or excrement).
2. Are so offensive that they could reasonably be expected to provoke a violent response from viewers without additional comment.
3. Advocate immediate lawlessness or advocate lawless activities.

We look forward to assisting you with another license plate selection or a full refund/credit. Please contact our office at your earliest convenience.

Please feel free to email us or call Vehicle Information Services at 614-752-7518, 8:00 a.m. to 5:00 p.m. Monday through Friday.

Sincerely,

Janet L  
Customer Service Assistant 2  
Bureau of Motor Vehicles  
1970 W. Broad Street, Columbus, OH 43223  
Office (614)752-7518  
[jslohr@dps.ohio.gov](mailto:jslohr@dps.ohio.gov)

<image001.png>

**CAUTION:** This email was received from an EXTERNAL source, use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please send this email as an attachment to [ServiceDesk@dps.ohio.gov](mailto:ServiceDesk@dps.ohio.gov).



OHIO DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF MOTOR VEHICLES  
INAPPROPRIATE REQUEST  
NOTICE OF DENIAL

JEFFREY WONSER  
5787 LAKE DR  
HEATH, OH, 430563500

March 15, 2022

Plate Requested: **F46LGB**

*Special plates issued by the BMV are a representation of the State. They are viewed by numerous motorists including families and children, not only in Ohio, but in other states and countries. It is not the intent of the BMV to provide motorists with a forum or an avenue for promoting messages or causes which may be distasteful or offensive. The Ohio Revised Code (ORC) section 4503.19 authorized the Registrar of Motor Vehicles to assign a distinctive number to motor vehicle registrants and to determine which combinations will or will not be displayed on the official license plates of the State.*

The Special Plates Committee reviewed your request and it was denied due to the potential perception of inappropriateness. Therefore, we are unable to process your order.

You have the right to appeal this decision of the Registrar of Motor Vehicles. Your request for appeal must be received in writing within thirty (30) days from the date of the letter.

Please return your registration and sticker to the issuing Deputy Registrar for a refund or, if you wish, you may apply for a different special plate. Please note: Certain transactions may require a refund from the central offices of the Bureau of Motor Vehicles in Columbus. Your local agency will assist in processing these refunds.

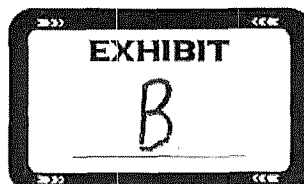
Presenting this letter will enable you to receive PRIORITY service at the Agency.

We apologize for any inconvenience this may cause you. If you have any questions, please contact the issuing Deputy Registrar.

Registrar  
Ohio Bureau of Motor Vehicles

Agency: 9983

BMV 4751 05/11 [760-1514]







Mike DeWine, Governor  
Jon Husted, Lt. Governor

Department of  
Public Safety

Thomas J. Stickrath, Director  
Charles L. Norman, Registrar



March 24, 2022

Jeffrey Wonser  
5787 Lake Dr.  
Heath, OH 43056

Dear Jeffrey Wonser:

Subject: Request for Reconsideration of Special License Plate Denial

This letter is in response to your recent request for reconsideration of the Ohio Bureau of Motor Vehicles' decision to deny the following special license plate: **F46 LGB**. The Bureau of Motor Vehicles (the "BMV") carefully considered all of the arguments set forth in your request. As more fully set forth below, the BMV is upholding its decision to deny the requested special license plate.

The BMV does not issue any special license plate that contains words, combinations, and/or phrases (in any language, whether frontwards or backwards) that:

1. Are profane or can be interpreted as obscene, sexually explicit, or scatological (i.e., pertaining to feces or excrement);
2. Are so offensive that they could reasonably be expected to provoke a violent response from viewer without additional comment; and/or
3. Advocate immediate lawlessness or lawless activities.

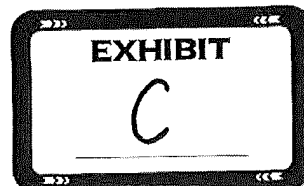
When the BMV first applied these criteria to your request we determined that the special license plate you wanted falls into a prohibited category. As a result, the BMV denied your request.

In order to request new special plates or inquire about a refund, please return to the issuing Deputy Registrar or contact the Registration Support Services Unit, using the information below. If you have any questions or require additional information, please do not hesitate to contact Allie Monst, Customer Service Manager, by e-mail at [Registrationsupportservices@dps.ohio.gov](mailto:Registrationsupportservices@dps.ohio.gov), by letter at Vehicle Information Services, Registration Support Services Unit, 1970 West Broad Street, Columbus, Ohio 43223, or by fax at (614) 995-4739.

Sincerely,

Charles L. Norman  
Registrar, Ohio Bureau of Motor Vehicles

CLN:dr



1970 West Broad Street  
P O Box 16520  
Columbus, Ohio 43216 6520

(844) 644-6268  
[www.bmv.ohio.gov](http://www.bmv.ohio.gov)